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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,629	01/11/2002	Richard M. Hartman	PD-201126 (ONET 0102 PUS)	8622
7590	07/13/2005		EXAMINER BHATIA, AJAY M	
Robert P. Renke Artz & Artz, P.C. Suite 250 28333 Telegraph Road Southfield, MI 48034			ART UNIT 2145	PAPER NUMBER
DATE MAILED: 07/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,629

Applicant(s)

HARTMAN ET AL.

Examiner

Ajay M. Bhatia

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/5/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected:
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. If this is an oversight by the examiner the applicant is welcome to point out distinctly where in the specification support can be found for the limitation in the claims. The specification discuss the parts or technology they comprises the system but fails to disclose enough information as to how the parts or technology are combined to create they system without any person skilled in the art could carryout the invention with undue experimentation. See MPEP § § 2164- 2164.08(c).

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2145

The term "very small aperture" in claim 11 is a relative term which renders the claim indefinite. The term "very small aperture" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For the purposes of this office action it will be treated as any type of screen not used with a desktop computer.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boys (U.S. Patent Application Publication 2002/0059373) in view of Atkinson (U.S. Patent Application Publication 2001/0039571).

For claim 1, Boys teaches, a telecommunication control system for an interactive instruction network system comprising:

an presenter software interface displaying communication signals in a host compatible software language;

a presentation server modifying said communication signals by performing a plurality of presenter chosen tasks via said presenter software interface;

Art Unit: 2145

two or more bi-directional client adapters converting communication signals between said host compatible software language and two or more heterogeneous client type compatible software languages; and  
one or more Internet data adapter(s) directing said communication signals between said presenter software interface and said via one or more Internet protocols. (See Boys, paragraphs 19-21, 24, 26 and 31-32, a internet data adapter is inherent in creating a connecting to the internet)

Boy fails to teach, two or more heterogeneous client types,  
Atkinson teaches, two or more heterogeneous client types (See Atkinson, paragraph 43)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide internet access and communication over multiple types of devices in order to by providing communication over multiple type of device it provides a increase access to the internet and other type of media in public spaces. (See Atkinson, paragraphs 5-6) and (See Boys, paragraph 19)

For claim 2, Boys-Atkinson teaches, a system as in claim 1 wherein said communication signals comprise at least one of a presentation signal, an instruction signal, a client type signal, or a response signal. (See Boys, paragraphs 31-32)

Art Unit: 2145

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 2.

For claim 3, Boys-Atkinson teaches, a system as in claim 1 further comprising an Internet data adapter manager controlling transmission of said communication signals between said one or more Internet data adapters and said two or more bi-directional client adapters. (See Boys, paragraph 32)

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 2.

For claim 4, Boys-Atkinson teaches, a system as in claim 1 wherein said Internet data adapters comprise: a first Internet data adaptor directing communication signals between said presenter software interface and first heterogeneous client type; a second Internet data adaptor directing communication signals between presenter software interface and a second heterogeneous client type. (See Boys, paragraphs 19-21, 24, 26 and 31-32) and (See Atkinson, paragraph 43)

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 4.

Art Unit: 2145

For claim 5, Boys-Atkinson teaches, a system as in claim 1 wherein said one or more Internet protocols comprise at least one of a multicast transport, a unicast transport, a transmission control protocol, a low bandwidth protocol, point-to-point protocol, or a user datagram protocol. (See Boys, paragraphs 24, 27, 31-32, and figure 4, it is obvious that multicast and/or unicast are using in figure 4, and transmission control protocol and user datagram protocol are used in the accessing of the internet)

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 5.

For claim 6, Boys-Atkinson teaches, an interactive instruction network system comprising:

two or more of heterogeneous client types at two or more remote sites;

a host site comprising;

an presenter hardware interface for communicating with said two or more heterogeneous client types; and

a controller comprising a telecommunication control system and electrically coupled to said presenter hardware interface and transmitting a plurality of presenter communication signals; and

a data communication transport electrically coupled to said two or more heterogeneous client types and said host site, said high-speed data communication transport providing said two or more heterogeneous client types access to said plurality of presenter

Art Unit: 2145

communication signals and bi0directional communication between said host site and said two or more heterogeneous client types. (See Boys, paragraphs 19-24, 26 and 31-32, a internet data adapter is inherent in creating a connecting to the internet, IDSN is considered a high speed data communication transport) and (See Atkinson, paragraph 43)

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 6.

For claim 7, Boys-Atkinson teaches, a system as in claim 6 wherein said communication transport is an Internet. (See Boys, paragraphs 20 and 21)

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 7.

For claim 8, Boys-Atkinson teaches, a system as in claim 7 wherein said Internet is accessed through at least one of an Internet service provider, a network service provider, a corporate modem bank, a digital subscriber line, a satellite system, or a cable television network. (See Boys, paragraphs 20 and 21)

The same motivation that was utilized in the rejection of claim 1, applies equally as well



Art Unit: 2145

to claim 8.

For claim 9, Boys-Atkinson teaches, a system as in claim 6 wherein said

telecommunication control system comprises:

an presenter software interface displaying communication signals in a host compatible software language;

a presentation server coupled within said host site and modifying said communication signals by performing a plurality of presenter chosen tasks via said presenter software interface;

two or more bi-directional client adapters converting communication signals between said host compatible software language and two or more heterogeneous client type compatible languages; and

one or more Internet data adapter(s) directing said communication signals between said presenter software interface and said two or more heterogeneous client types via one or more Internet protocols. (See Boys, paragraphs 4, 9, 10, 14, 22, 25-27, 32, 44) and (See Atkinson, paragraph 43)

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 9.

Art Unit: 2145

For claim 10, Boys-Atkinson teaches, a system as in claim 6 wherein a heterogeneous client type of said two or more client types is incorporated within an Intranet. (See Boys, paragraph 20, private WAN is type of intranet network)

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 10.

For claim 11, Atkinson teaches, a system as in claim 6 wherein a heterogeneous client type of said two or more client types comprises a very small aperture terminal interface. (See Atkinson, paragraph 43, it is well known in the art the pda and cell phones have small screen)

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 11.

For claim 12, Atkinson teaches, a system as in claim 6 wherein a heterogeneous client type of said two or more client types is incorporated within a Bluetooth network. (See Atkinson, paragraph 43)

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 12.

Art Unit: 2145

For claim 13, Atkinson teaches, a system as in claim 6 wherein said two or more heterogeneous client types comprises two or more of a cellular phone, a computer, a personal digital assistant, a palm pilot, a scanner, a printer, a video camera, a telephone, or a facsimile machine. (See Atkinson, paragraph 43)

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 13.

For claim 14, Atkinson teaches, a system as in claim 6 wherein a heterogeneous client type of said two or more client types comprises at least one of a microphone, a keyboard, a mouse, a video monitor, a LCD screen, a 7-segment display, or a computer. (See Atkinson, paragraph 43)

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 14.

For claim 15, Boys-Atkinson teaches, a system as in claim 6 wherein:  
a heterogeneous client type of said two or more client types comprises a video camera generating a remote site communication signal; and  
wherein said host site receives said remote site communication signal via said telecommunication system. (See Boys, paragraph 58, it is obvious to use a video

Art Unit: 2145

camera to record video)

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 15.

For claim 16, Boys-Atkinson teaches, a system as in claim 6 wherein a first client type is able to receive communication through said communication transport between said host site and a second client type. (See Boys, paragraphs 24-28) and (See Atkinson paragraph 43)

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 16.

For claim 17, Boys-Atkinson teaches, a method of remote educational instruction over an interactive instruction network system comprising:

wirelessly broadcasting a plurality of presenter communication signals of a presenter from a host site;

establishing a bi-directional communication connection between said host site and two or more heterogeneous client type via a communication transport;

receiving said presenter communication signals on said two or more heterogeneous client types; and

Art Unit: 2145

displaying or articulating at least one of said presenter communication signals on said two or more heterogeneous client types. (See Boys, paragraphs 19-21, 23, 24, 26 and 31-32, 81, a internet data adapter is inherent in creating a connecting to the internet) and (See Atkinson paragraph 43)

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 17.

For claim 18, Boys-Atkinson teaches, a method as in claim 17 further comprising: generating and transmitting a plurality of remote site communication signals; and receiving said plurality of remote site communication signals on a presenter interface at said host site. (See Boys, paragraphs 31-33)

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 18.

For claim 19, Boys-Atkinson teaches, a method as in claim 17 further comprising receiving communication between said host site and a first client type at a first remote site by a second client type at a second remote site. The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 2.

Art Unit: 2145

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 19.

For claim 20, Boys-Atkinson teaches, a method of synchronizing and converting communication signals between a controller and heterogeneous client types within an interactive instruction network system, said method comprising:

displaying communication signals on a presenter interface;

modifying said communicational signals;

converting said communication signals between a host language and two or more heterogeneous client type languages;

time synchronizing the communication signals; and

displaying the communication signals on multiple learning media at multiple remote locations. (See Boys, paragraphs 14, 19-21, 24, 26 and 31-32) and (See Atkinson, paragraph 43)

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 20.

### ***Response to Amendment***

Applicant's arguments filed May 5, 2005 have been fully considered but they are not persuasive. They fail to overcome the rejection.

In response to applicant arguments that address the 112<sup>th</sup> rejection applicant an misinterpreted the rejection and the issue that spec fails to sufficiently teach the

Art Unit: 2145

invention to one of ordinary skill at the time of invention to duplicate with out undue experimentation. See MPEP § § 2164- 2164.08(c). For additional clarification please read the clarified 112<sup>th</sup> rejection provided above. Please also note the that applicant was contacted by applicants representative but chose not to discuss the rejection or seek further clarification even though examiner offered to have an interview with applicant representative.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., VSAT) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Hence the claim is interpreted as written to give the broadest possible interpretation, therefore the term very small aperture terminal is interpreted as a terminal with a small screen or the like.

In response to claims the addressing just the Boys reference, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Additionally the features that the applicant has claimed the reference has failed to teach is addressed in the independent recitation of the claim, therefore the previous references also apply to all the dependent claims that are from the recitation of the claim.

In response to that Boys fails to teach the "a presentation server that modifies communication signals or a presentation server that performs the stated modification via presenter software interface" these features are taught in the cited sections of Boys. Boy teaches of creating a package of self-executing lecturer available to a plurality of students and a specific time via the web, additionally it discuss the teach using enabling software, which anticipated the claimed invention "modification" is the software save, packaging and running it a specific time and the software discussed in the cited section. If the applicant has a different intended interpretation of the claim they are suggested to amend the claim to reflect the intended claim functionality of the invention.

In response to the argument "fails to teach or suggest communication therewith and associated devices necessary, such as the claimed Internet data adaptors, to perform communication therewith" the feature mention are inherent features of the system since in paragraph 23 of the cited reference Boys discusses a connection to ISP (Internet service provider) and wireless capability which inherently requires a type of internet adapter in order to communicated with a ISP. Again should the applicant have a different interpretation they are suggested to make an amendment to the claim that would clearly define those features.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in



Art Unit: 2145

the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it is well known in the art to provide internet access and communication over multiple types of devices in order to by providing communication over multiple type of device it provides a increase access to the internet and other type of media in public spaces. Additionally the provided support for this motivation in the cited passages (See Atkinson, paragraphs 5-6) and (See Boys, paragraph 19).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to arguments that address claims 2-5, they are dependent upon claim 1, are provide no additional argument here the issues address above also apply.

In response the arguments that address claims 6,17, 18-19, and 20 they argue similar reasoning as to claim 1, which is addressed above, they do not provided any additional argument then those already address above, therefore claims 1-20 stand rejected.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached UPSTO 892.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia M. Wallace can be reached on (571)-272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2145

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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